

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1523-JJF
	)	
COMMISSIONER STAN TAYLOR,	)	
WARDEN RICK KEARNEY,	)	
SGT. BARRY BILES, and TEANNA	)	
BANKS,	)	
	)	
Defendants.	)	

**DEFENDANT TAYLOR'S ANSWER TO THE COMPLAINT**

COMES NOW, the Defendant, Stan Taylor, by and through his undersigned counsel, and hereby answers the Complaint of Plaintiff Robbie Jones ("Jones" or "Plaintiff"), filed December 16, 2004 (D.I. 2) (the "Complaint"). The Complaint is formatted in paragraphs but not numbered. Therefore Defendants respond to the Complaint by paragraph as follows:

Paragraph No. 1

1. It is admitted that Plaintiff was called into the office following a disciplinary violation.
2. All other allegations contained in Paragraph No. 1 are denied.

Paragraph No. 2

1. The sentence that begins "Defendants Taylor and Kearney" states a legal conclusion to which no response is required. To the extent an answer is required, it is specifically denied in its entirety.
2. As to all other sentences in paragraph No. 2, Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth. To the

extent an answer is required, it is specifically denied in its entirety.

Paragraph No. 3

1. The sentence that begins “The aforementioned [sic] individual” is denied.
2. The sentence that begins “It is the responsibility” states a legal argument to which no response is required. To the extent an answer is required, it is specifically denied in its entirety.
3. The sentence that begins “The plaintiff constantly” is denied.
4. The sentence that begins “The plaintiff was held” Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth.
5. The sentence that begins “On July 12, 2004” is denied as to the date but admitted that Plaintiff was found guilty in a disciplinary hearing for disciplinary violations and sanctioned with Loss of Privileges for a 15 day period.

Paragraph No. 4:

1. The sentence that begins “Plaintiff was not given” Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth.
2. The sentence that begins “The plaintiff has been denied” states a legal argument to which no response is required. To the extent an answer is required, it is specifically denied in its entirety.
3. The sentence that begins “There were a number” Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth.
4. The sentence that begins “There was effort” is denied.
5. As to the remainder of the paragraph, Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth.

Paragraph No. 5

Answering Defendant is without sufficient knowledge or information to affirm or deny the allegations as set forth in this paragraph.

**RELIEF**

Defendant denies that Plaintiff is entitled to any relief.

**DEFENSES AND AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff has failed to exhaust his administrative remedies.
3. Defendant is immune from liability under the Eleventh Amendment.
5. Defendant is entitled to qualified immunity.
6. As to any claims under state law, Defendant is entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001 *et seq.*
7. As to any claims under state law, Defendant is entitled to sovereign immunity in his official capacity.
8. Defendant cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.
9. To the extent that Plaintiff seeks to hold Answering Defendant liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.
10. Defendant, in his official capacity, are not liable for alleged violations of Plaintiff's constitutional rights as they are not "persons" within the meaning of 42 *U.S.C.* § 1983.

11. Insufficiency of service of process.
12. Insufficiency of process.
13. Lack of jurisdiction over the person and subject matter.

WHEREFORE, the State Defendant respectfully requests that judgment be entered in his favor and against Plaintiffs as to all claims and that attorney fees be awarded to the State Defendant.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Stacey Xarhoulakos  
Stacey Xarhoulakos, # 4667  
Deputy Attorney General  
Department of Justice  
820 N. French Street, 6th Floor  
Wilmington, De 19801  
(302) 577-8400

Dated: December 15, 2006

Attorney for Defendant Stan Taylor

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2006, I electronically filed *Defendant Stan Taylor's Answer* with the Clerk of Court using CM/ECF. I hereby certify that on December 15, 2006, I have mailed by United States Postal Service, the document to the following non-registered participant:

Robbie D. Jones  
SBI #313356  
SCI  
P.O. Box 500  
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